

ASSEMBLY BILL

No. 310

Introduced by Assembly Member Leach

February 8, 1999

An act to amend Section 222 of, and to add Section 222.3 to, the Code of Civil Procedure, relating to jury selection.

LEGISLATIVE COUNSEL'S DIGEST

AB 310, as introduced, Leach. Jury selection.

Existing law provides for the random selection of trial jurors by name.

This bill would provide for the random selection and identification of trial jurors in criminal actions by number instead of by name. The bill would specify that it is improper for counsel or the court to elicit personal juror identification information during voir dire in a criminal action, and would make a violation of this provision punishable as contempt of court. By expanding the scope of the crime of contempt of court, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the “Jury Identification Protection Act.”

SEC. 2. Section 222 of the Code of Civil Procedure is amended to read:

222. (a) Except as provided in subdivision (b), when an action is called for trial by jury, the clerk, or the judge where there is no clerk, shall randomly select the names, *or in criminal actions, the identification numbers*, of the jurors for voir dire, until the jury is selected or the panel is exhausted.

(b) When the jury commissioner has provided the court with a listing of the trial jury panel in random order, the court shall seat prospective jurors for voir dire in the order provided by the panel list.

SEC. 3. Section 222.3 is added to the Code of Civil Procedure, to read:

222.3. Jurors shall be identified throughout the voir dire process in criminal actions by identification number only. Except on a showing of a compelling need, it shall be improper for counsel or the court to elicit personal juror identification information during voir dire in a criminal action, including, but not limited to, the name, home address, home or work telephone number, and the exact location of an employer or school, of the juror, the juror’s spouse, or the juror’s children. Any violation of this section is punishable as contempt of court.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O